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EXAMINER
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ART UNIT	PAPER NUMBER
3691	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 September 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *09/11/2007*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claims 1-26 are presented for examination. Applicant filed an amendment on 09/11/2007 amending independent claims 1 and 18and adding new claims 27-28. The amendment of independent claims invalidated the reference Paleiov et al. (U.S. Pub No. 2002/0152158) used in the first office action as result of amendment to meet the requirement for priority to previously file application 09/231,745 filed on January 15, 1999. The Examiner respectfully withdraws the prior art Paleiov et al. and used new reference Yanagihara et al. to reject claim limitations.

The Examiner respectfully withdraws double patenting rejection against instant application for submitting terminal disclaimer for U.S. Patent No. 6,324,526 and copending application 11/252,009.

After careful consideration of applicant's arguments and amendments, new grounds of rejections of claims necessitated by Applicant's amendment are established in the instant application as set forth in detail below. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Zampese, U.S. Patent No. 6,014,650 (reference A in attached PTO-892) in view of

Yanagihara et al. U.S. Pub No. 2001/0011249 (reference B in attached PTO-892).

3.   As per claim 1 and 27, Zampese teach a method of performing secure credit

/debit card purchases, said method comprising:

a) a customer communicating with a custodial authorizing entity having custodial

responsibility of account parameters of said customer's pre-established credit /debit

card account (see Fig. 1; column 3, lines 38-45);

b) said customer supplying the custodial authorizing entity with at least account

identification data (see column 4, lines 62-65);

e) communicating said transaction code to said customer (see Fig. 1; column 3,

lines 38-45);

f) terminating communication with said custodial authority (see column 3, lines

64-65; where purchaser make purchase request to internet seller after receiving

transaction code from custodial authority);

g) said customer communicating said transaction code to a merchant in

connection with a purchase having defined purchase parameters (see Fig. 1; column 3,

lines 64-67; column 4, lines 1-2);

h) said merchant communicating said transaction code to a verifying authority

(column 4, lines 2-3);

i) said verifying authority utilizing said transaction code to verify that said defined

purchase parameters are within said designated payment category (see Fig. 3, step 56;

column 4, lines 65-67);

j) said verifying authority communicating a purchase authorization to said

merchant if said defined purchase parameters are within said designated payment

category associated with said transaction code (see Fig. 1; column 4, lines 10-14); and

k) completing the purchase (see Fig. 3; column 5, lines 15-24).

Zampese teaches generating a transaction code that is different from said

account identification data ((see column 3, lines 29-36) and but does not teach

designating and associating with the payment categories.

Yanagihara et al. teach designating and associating the transaction code with the

payment categories (see Fig. 2: Fig. 4; paragraph [0019]

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the

time the invention was made to allow designating and associating the transaction code

with the payment categories of Zempese because Yanagihara et al. teach that including

above features would enable user to use usage identification code which indicates

purpose of use and usage limit to indicate maximum amount to withdraw (Yanagihara et

al., paragraph [0019]).

4.   As per claim 2, Zampese in view of Paleiov et al. teach a claim 1 as described

above. Zampese further teaches the method comprising

said verifying authority communicating a purchase denial if said purchase

parameters of said purchase include a purchase dollar amount in excess of said

maximum dollar amount (see Fig. 3, step 68).

Zampese <u>does not teach defining said payment category as a specific maximum</u>

<u>dollar amount.</u>

Yanagihara et al. teach defining said payment category as a specific maximum

dollar amount (see paragraph [0019]).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the

time the invention was made to allow defining said payment category as a specific

maximum dollar amount of Zempese because Yanagihara et al. teach that including

above features would enable user to use usage identification code which indicates

purpose of use and usage limit to indicate maximum amount to withdraw (Yanagihara et

al., paragraph [0019]).

5.   As per claim 3, Zampese in view of Yanagihara et al. teach claim 1 as described

above. Zampese further teaches the method comprising

defining said payment category as a specific dollar amount (see Fig. 3; column 4,

line 62-65),

said verifying authority communicating a purchase denial if said purchase

parameters of said purchase include a purchase dollar amount different from said

specific dollar amount by more than a predetermined maximum variance (see column 5,

lines 15-19).

6.   As per claim 4, Zampese in view of Yanagihara et al. teach claim 1 as described

above. Zampese further teaches the method comprising

communicating information associated with offered subject matter to the

customer by the merchant, pre-determining the purchase parameters of the purchase,

and corresponding said designated payment category to said purchase parameters (see

Fig. 1; column 3, lines 64-66; where purchaser and merchant communicate over

communication line 24 for a purchase).

7.   As per claims 5-15 and19-26, Zampese <u>does not teach customer designating a</u>

<u>payment category that include maximum dollar amount for a cost of a purchase, time</u>

<u>parameters during which the purchase can be completed, a single transaction at a fixed</u>

<u>amount for purchase within a predetermined period of time, predetermined maximum</u>

<u>number of transactions up to a maximum total, a predetermined maximum number of</u>

<u>transactions up to a maximum total purchase amount during a predetermined time</u>

<u>period, authorization for a repeating transaction at a fixed amount payable at each of a</u>

<u>fixed number of time intervals</u>.

Yanagihara et al. teach storing a restrictive condition for withdrawal of amount

from the money card and application of the predetermined condition during withdrawal

of the money from the card (Yanagihara et al., Fig. 2, Payment Condition (209) and

Transaction Record (210); paragraph [0005], [0006] and 0019]; the Examiner notes any

above preconditions in claims 5-15 and 19-26 can be set in Payment Condition (209) in

Fig. 2).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow storing a restrictive condition for withdrawal of amount from the money card and application of the predetermined condition during withdrawal of the money from the card of Zempese because Yanagihara et al. teach that including above features would enable user to use usage identification code which indicates purpose of use and restrict withdrawal from the card (Yanagihara et al., paragraph [0019]).

8.   As per claim 16, Zampese in view of Yanagihara et al. teach claim 1 as described above.

Zampese further teaches the method comprising

generating a transaction code which further reflects an identification of the merchant (see column 3, line 60-63; column 4, lines 45-49; where account codes are used for purchase identification purpose which Examiner interprets, includes the merchant; account code and transaction may be combined to form strings of digits and/or other characters).

9.   As per claim 17, Zampese in view of Yanagihara et al. teach claim 1 as described above.

Zampese further teaches the method wherein

said merchant communicates said transaction code to a verifying authority which normally accepts and verifies credit card account information in connection with purchases (see Fig. 1; column 4, lines 2-9).

10.   As per claim 18 and 28, Zampese teaches a secure credit /debit card purchase

verification system comprising:

a) a custodial authorizing entity structured to issue a credit /debit card account

to a consumer (see column 3, lines 38-40);

b) said custodial authorizing entity structured to bill said consumer for purchases

consummated in connection with said credit /debit card account (see column 5, lines 15-

20);

c) said custodial authorizing entity responsive to a consumer transaction request

and structured to generate a transaction code internally associated with

said credit /debit card account and different from said user account (see column 3, lines

29-36; 40-45);

d) said transaction code designated by said consumer associated therewith and

structured to be presented to a merchant by said consumer in connection with a

purchase having defined purchase parameters (see Fig. 1; column 3, lines 64-67;

column 4, line 1);

e) a verifying authority structured to receive and authorize credit card

transactions from said merchant (see Fig. 1; column 4, lines 2-9);

f) said transaction code structured to be communicated to said verifying authority

by said merchant, in connection with said purchase having said purchase parameters,

as a credit card account number utilizing a credit card authorization system (see Fig.1;

column 4, lines 2-9);

g) said verifying authority structured to verify that said purchase parameters of said purchase correspond said payment associated with said transaction code without identifying said credit /debit card account, and to accordingly communicate an authorization or rejection to said merchant (see column 4, lines 62-67; column 5, lines 1-10).

Zampese teaches generating a transaction code that is different from said account identification data ((see column 3, lines 29-36) and but <u>does not teach designating and associating with the payment categories</u>.

Yanagihara et al. teach designating and associating the transaction code with the payment categories (see Fig. 2: Fig. 4; paragraph [0019]

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow designating and associating the transaction code with the payment categories of Zempese because Yanagihara et al. teach that including above features would enable user to use usage identification code which indicates purpose of use and usage limit to indicate maximum amount to withdraw (Yanagihara et al., paragraph [0019]).

Response to Arguments

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosures. The following are pertinent to current invention, though not

relied upon:

Benson et al. (U.S. Patent No. 5,845,281) teach method and system for

managing a data object so as to comply with predetermined conditions for usage.

Demoff et al. (U.S. Patent No. 6,456,984) teach method and system for

providing temporary credit authorizations.

Fleming (U.S. Patent No. 5,953,710) teaches children's credit or debit card

system.

Foladare et al. (U.S. Patent No. 5,914,472) teach credit card spending

authorization control system.

Franco (U.S. Patent No. 4,893,330) teaches method and apparatus for restricting

credit card communication calls.

Kravitz (U.S. Patent No. 6,029,150) teaches payment and transactions in

electronic commerce system.

Morrill, Jr. (U.S. Patent No. 5,991,749) teaches wireless telephony for collecting

tolls, conducting financial transactions, and authorizing other activities.

Watson (U.S. Patent No. 5,991,750) teaches system and method for pre-

authorization of individual account transactions.

Watson et al. (U.S. Patent No. 6,226,624) teach system and method for pre-

authorization of individual account remote transactions.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571)270-1374. The examiner can normally be reached on 7:00AM-4:30PM (Monday-Friday); 2nd Friday OFF.
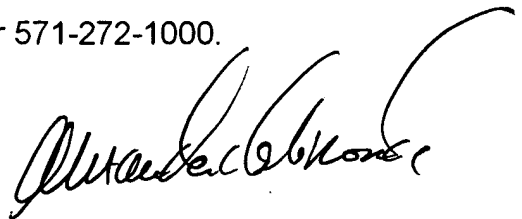
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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BKS/3691

ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER